



Sur ref: JAO-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Kenneth JACOBS :

Serial No. : 10/054,607 :

Art Unit: 2614

Filed : January 22, 2002 :

Examiner: J.W.

Title : Eternalism, a Method for :

Desir

Creating an Appearance
of Sustained Three- :
Dimensional Motion-
Direction of Unlimited :
Duration, Using a Finite
Number of Pictures :

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DECLARATION UNDER 37 CFR 1.132

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r:

I, Kenneth Jacobs, hereby depose and say as follows:

1. I am the sole inventor in the above-
identified Application.

2. It has been brought to my attention that the Examiner has rejected Claim 10 based on the Background of the Invention and, specifically, based on page 3, lines 3-14.

3. The disclosure, which appears on page 3 in lines 3-6 and which is given Paragraph No. 6 in my Published Application, U.S. 2002/0135699, relates to work that was done by me prior to the filing of this Application.


4. The subject matter that is disclosed on page 3 in lines 7-14 is also my work and has never been disclosed to the public except for appearing in this Application. For that matter, all of the disclosure that is in the second paragraph on page 3 is my work and I deemed to be my invention, which has never been disclosed to the public. Likewise, the disclosure in the first paragraph on page 4 and the paragraph bridging pages 4 and 5 are also my work and have never been disclosed to the public. In other words, the subject matter that appears in paragraph Nos. 7, 8 and 10 of my Published Application are my work and is subject matter which I deem to be my invention.

From: MUSERLIAN, LUCAS and MERCANTI 1 212 661 8002

12/23/2004 11:37 #078 P.004/004

5. The subject matter of these paragraphs, paragraphs 7, 8 and 10 of my Published Application, should have appeared after the Summary of the Invention and not in the section entitled "Art Related to the Invention", because these three paragraphs detail what I consider to be my invention and not subject matter that was available to the public prior to my application.

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under section 18 U.S. Code 1001, and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.


Kenneth Jacobs

Dated: This 23rd day of December, 2004.

DCL/mr

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